

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195 (SHS) (OTW)

**DECLARATION OF ANDREW M.
GASS IN SUPPORT OF OPENAI
DEFENDANTS' MOTION TO
DISMISS**

I, Andrew M. Gass, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Partner at Latham & Watkins LLP, located at 505 Montgomery Street Suite 2000, San Francisco, California 94111, which represents Defendants OpenAI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (together, the “OpenAI Defendants”) in the above-captioned litigation. I submit this declaration in support of the OpenAI Defendants’ Motion to Dismiss.

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff’s complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 26th day of February 2024.

By: /s/ Andrew M. Gass
Andrew M. Gass